

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MTGLQ INVESTORS, LP,

Plaintiff,

v.

Civ. No. 17-00487 KG/LF

MONICA L. WELLINGTON, THE MONICA L.
WELLINGTON DECLARATION OF TRUST
DATED DECEMBER 28, 2007, ALTURA VILLAGE
HOMEOWNERS' ASSOCIATION, INC.,

Defendants.

ORDER ENTERING DEFAULT JUDGMENTS

This matter comes before the Court upon Plaintiff's Motion for Default Judgment, filed December 3, 2018. (Doc. 126). Plaintiff seeks default judgments against Defendant The Monica L. Wellington Declaration of Trust Dated December 28, 2007 (Trust), and Defendant Altura Village Homeowners' Association, Inc. (Altura). Plaintiff also requests a hearing on the Motion for Default Judgment. (Doc. 134). No party has responded to the Motion for Default Judgment.

A. Plaintiff's Request for a Hearing

District of New Mexico Local Rule 7.6(a) states that "[a] motion will be decided on the briefs unless the Court sets oral argument." In other words, the practice in this District is to decide motions without hearings, unless good cause exists to set the matter for oral argument. Here, Plaintiff has requested a hearing without any explanation for the request. Moreover, the Court does not see a need for oral argument to decide the Motion for Default Judgment. The Court, therefore, denies Plaintiff's request for a hearing.

B. Findings

Plaintiff effected service of the Summons and Complaint on the Trust and Altura. (Docs. 37, 55, and 65). The Trust and Altura, nonetheless, have not responded to the Complaint as required by the Federal Rules of Civil Procedure. Consequently, the Clerk of the Court entered defaults against the Trust and Altura. (Docs. 131 and 167). Having considered the failure to respond to the Complaint, the Clerk's entries of default, and the Motion for Default Judgment, the Court determines that entry of default judgments against the Trust and Altura is appropriate.

IT IS ORDERED, ADJUDGED, AND DECREED that

1. the Motion for Default Judgment (Doc. 126) is granted;
2. Plaintiff's Request for Hearing (Doc. 134) is denied;
3. a default foreclosure judgment is entered in favor of Plaintiff and against Defendant The Monica L. Wellington Declaration of Trust Dated December 28, 2007, and Defendant Altura Village Homeowners' Association, Inc., thereby foreclosing the interests of those Defendants with respect to the property that is the subject of this action:

Lot numbered Twenty-nine (29) of ALTURA VILLAGE, being a Replat of Tracts A1 Netherwood Park, Addition, as the same is shown and designated on the Plat of said addition, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on December 3, 1997, in Plat Book 97C, folio 341, which property is more commonly described as 2124 Altura Verde Ln Ne, Albuquerque, NM 87110;

4. the Court retains jurisdiction over these proceedings for all other matters arising from the Complaint; and

5. no monetary award is entered against Defendant The Monica L. Wellington Declaration of Trust Dated December 28, 2007, and Defendant Altura Village Homeowners' Association, Inc.


UNITED STATES DISTRICT JUDGE